

CHAPTER 167

AIRPORT TALL STRUCTURE ZONING REGULATIONS

167.01 Short Title	167.08 Enforcement
167.02 Definitions	167.09 Airport Zoning Administrator
167.03 Airport Zones	167.10 Board of Adjustment
167.04 Airport Zone Height Limitations	167.11 Appeals
167.05 Use Restrictions	167.12 Judicial Review
167.06 Nonconforming Uses	167.13 Penalties
167.07 Permits	167.14 Conflicting Regulations

167.01 SHORT TITLE. This chapter shall be known and may be cited as the Airport Tall Structure Zoning Ordinance.

167.02 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. **AIRPORT.** Rockwell City Airport.
2. **AIRPORT ELEVATION.** The highest point of an airport's usable landing area measured in feet from sea level.
3. **APPROACH SURFACE.** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 167.04 of this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES.** These zones are set forth in Section 167.03 of this chapter.
5. **BOARD OF ADJUSTMENT.** A Board consisting of 5 members appointed by the City Council/Board of Supervisors as provided in Chapter 329.12 of the Code of Iowa.
6. **CONICAL SURFACE.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. **HAZARD TO AIR NAVIGATION.** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **HEIGHT.** For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

9. **HORIZONTAL SURFACE.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. **NONCONFORMING USE.** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provision of the chapter or an amendment thereto.
11. **NONPRECISION INSTRUMENT RUNWAY.** A runway having an existing instrument approach, procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
12. **OBSTRUCTION.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 167.04 of the chapter.
13. **PERSON.** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
14. **PRIMARY SURFACE.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 167.03 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
15. **RUNWAY.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
16. **STRUCTURE.** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
17. **TRANSITIONAL SURFACES.** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000

feet measured horizontally from the edge of the approach surface at 90 degree angles to the extended runway centerline.

18. TREE. Any object of natural growth.

19. UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

20. VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

21. LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

167.03 AIRPORT ZONES. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of that land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Rockwell City Airport. Such zones are shown on the Rockwell City Airport zoning map which is made a part hereof and is on file in the offices of the City of Rockwell City. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Nonprecision Instrument Approach Zone (20:1 Zone). The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone (34:1 Zone). The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing

lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

5. Transitional Zone. The transitional zone is established as the areas under the transitional surfaces.

6. Runway Protection Zone (RPZ). The runway protection zone is established as an area off the end of the runway intended to enhance the protection of people and property on the ground.

167.04 AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Nonprecision Instrument Approach Zone (20:1 Zone). Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. This approach zone shall apply to runway ends 3 and 21.

2. Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone (34:1 Zone). Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. This approach zone shall apply to runway ends 13 and 31.

3. Transitional Zone. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1009 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

4. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1367 feet above mean sea level.

5. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

6. Certain Structures Prohibited. No structure shall be erected in the City of Rockwell City or Calhoun County that raises the published Minimum Descent Altitude of Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in the City of Rockwell City or Calhoun County.

167.05 USE RESTRICTIONS.

1. Generally. Notwithstanding any other provision of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

2. Landfill Restrictions. Landfills and waste disposal sites shall not be located within 5.75 miles of the Rockwell City Airport.

3. Permitted Uses in the Runway Protection Zones (RPZ). The following uses are permitted in the RPZ=s provided they do not attract wildlife, are outside the Runway OFA as shown on the Rockwell City Airport Layout Plan, and do not interfere with navigational aids: Golf courses (but not club houses) and agricultural operations (other than forestry or livestock farms) are expressly permitted under this proviso. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the OFA extension.

4. Prohibited Uses in the Runway Protection Zones (RPZ). Land uses prohibited from the RPZ are: residences and places of public assembly such as churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typifying places of public assembly, and fuel storage facilities.

167.06 NONCONFORMING USES.

1 Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified by this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified by this chapter and which is completed within one (1) year thereafter.

2 Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Rockwell City Airport.

167.07 PERMITS. The Airport Zoning Administrator shall review the development or planting of any structure or growth within the airport zones to assure compliance with the height limitations as established in Section 167.04 of this chapter.

1. No City Permit Required. No City permit shall be required for the construction or alteration of any structure or growth of any tree if the height of said structure or tree falls into the following categories:

A. No permit shall be required for any structure or growth of any tree up to a height of 50 feet above the surface of the land.

B. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure or growth of any trees less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

C. In the area lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure or growth of any tree less than seventy-five feet of vertical height above the ground, except when such

tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

D. In addition, in any of the individual areas described in paragraphs B and C above, no permit shall be required for any tree or structure which - regardless of its proposed vertical height above the ground - does not extend to as great a height above sea-level as any of the natural terrain located directly between the location of the proposed tree or structure and any portion of the existing or proposed Airport runways.

The foregoing exceptions shall not be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in paragraph A.

2. City Permit Required. A City permit shall be required when the construction or alteration of any structure or growth of any tree exceeds the height limitations of the foregoing exceptions as set forth in paragraphs A, B or C above. An application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to allow it to be determined whether the resulting use, structure, or tree would conform to the regulations hereby prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with Section 167.07(4).

3. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified by this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in the chapter, may apply to the Board of Adjustment for a variance from such regulations. However, no such variance shall be granted unless the Board finds, based upon written advice from the Federal Aviation Administration that:

A. In an application to permit any structure, tree or use of land to exceed the height or use limitations of this chapter, that such

structure, tree or use of land, would not obstruct landing and takeoff of aircraft at the Airport.

B. In an application to permit a use of land otherwise prohibited herein, that such use would not be incompatible with airport operations.

An applicant for a variance hereunder shall, as part of the application submitted to the Board, file the required written advice of the Federal Aviation Administration. No application for a variance hereunder shall be set for hearing by the Board until such advice has been filed. Such advice shall not be binding upon the Board of Adjustment, but shall be one of the factors considered by the Board when reaching its decision.

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Rockwell City Airport at its own expense, to install, operate, and maintain the necessary markings and lights.

6. FAA Permit Required. The following construction or alterations shall require the filing of FAA form 7460-1, Notice of Proposed Construction or Alteration: (1) Any construction or alteration of more than 200 feet in height above the ground level at its site; (2) Any construction or alteration of greater height than an imaginary surface which extends outward and upward and slopes one hundred feet (100) outward distance for each foot upward for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport.

A. FAA Form 7460-1 Time of Notice. The notice required under FAA Part 77, Objects Affecting Navigable Airspace, Sec. 77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates: (1) The date the proposed construction or alteration is to begin; (2) The date an application for a construction permit is to be filed. However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

167.08 ENFORCEMENT. It shall be the duty of the Airport Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Zoning Administrator upon a form published for that purpose. Applications required by this chapter to be submitted to the Airport Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator.

167.09 AIRPORT ZONING ADMINISTRATOR. The Airport Zoning Administrator shall be the Rockwell City Administrative Official.

167.10 BOARD OF ADJUSTMENT.

1. Created; Powers. There is hereby created a Board of Adjustment to have and exercise the following powers:

A. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Administrator in the enforcement of this chapter;

B. To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and

C. To hear and decide specific variances.

2. Membership; Terms; Removal of Members. The Board of Adjustment shall consist of five members appointed by the City Council/Board of Supervisors and each shall serve for a term of five years until a successor is duly appointed and qualified. Of the members first appointed, one (1) shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years and one (1) for a term of one (1) year. Members shall be removable by the appointing authority for cause, upon written charges after a public hearing.

3. Organization; Meetings; Minutes; Records. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if

absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Airport Zoning Administrator and on due cause shown.

4. **Written Findings of Fact.** The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this chapter.

5. **Voting.** The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Airport Zoning Administrator or decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variation to this chapter.

167.11 APPEALS.

1. **Generally.** Any person aggrieved, or any taxpayer affected, by any decision of the Airport Zoning Administrator made in the administration of the chapter, may appeal to the Board of Adjustment.

2. **Filing.** All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Airport Zoning Administrator a notice of appeal specifying the grounds thereof. The Airport Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. **Staying of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Airport Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Airport Zoning Administrator and on due cause shown.

4. **Time; Public Notice; Decision of Board.** The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

5. Affirming, Reversing, etc. The Board of Adjustment may, in conformity with the provision of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

167.12 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Section 414.5 of the Iowa Code.

167.13 PENALTIES. A violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a violation of this Code of Ordinances. Each day a violation continues to exist shall constitute a separate offense.

167.14 CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ch. 167 - Ord. 342 - May 06 Supp.)

o o o o o o o o o o